

In re:  
ICPW Liquidation Corporation, a California  
Debtor

Case No. 17-12408-MB  
Chapter 11

## CERTIFICATE OF NOTICE

District/off: 0973-1

User: admin  
Form ID: pdf042

Page 1 of 2  
Total Noticed: 1

Date Rcvd: Feb 13, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 15, 2018.

db +ICPW Liquidation Corporation, a California corpora, 15260 Ventura Blvd., 20th Floor, Sherman Oaks, CA 91403-5303

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Feb 15, 2018

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 13, 2018 at the address(es) listed below:

Aaron S Craig on behalf of Interested Party Big Time Products, LLC acraig@kslaw.com, lperry@kslaw.com  
Cathrine M Castaldi on behalf of Creditor Committee Official Committee of Unsecured Creditors ccastaldi@brownrudnick.com  
Cathrine M Castaldi on behalf of Financial Advisor Province Inc. ccastaldi@brownrudnick.com  
Douglas Wolfe on behalf of Creditor ASM Capital V, L.P. dwolfe@asmcapital.com  
Jeffrey A Krieger on behalf of Interested Party Brighton-Best International, Inc. jkrieger@gffirm.com, kwoodson@greenbergglusker.com;calendar@greenbergglusker.com;jking@greenbergglusker.com  
John M Stern on behalf of Creditor Texas Comptroller of Public Accounts john.stern@oag.texas.gov, bk-mbecker@oag.texas.gov  
Krikor J Meshefesian on behalf of Debtor ICPW Liquidation Corporation, a California corporation kjm@lnbrb.com  
Krikor J Meshefesian on behalf of Debtor ICPW Liquidation Corporation, a Nevada corporation kjm@lnbrb.com  
Matthew A Gold on behalf of Creditor Argo Partners courts@argopartners.net  
Monica Y Kim on behalf of Debtor ICPW Liquidation Corporation, a California corporation myk@lnbrb.com, myk@ecf.inforuptcy.com  
Ron Bender on behalf of Attorney Levene, Neale, Bender, Yoo & Brill LLP rb@lnbyb.com  
Ron Bender on behalf of Debtor ICPW Liquidation Corporation, a Nevada corporation rb@lnbyb.com  
Ron Bender on behalf of Debtor ICPW Liquidation Corporation, a California corporation rb@lnbyb.com  
Russell Clementson on behalf of U.S. Trustee United States Trustee (SV) russell.clementson@usdoj.gov  
S Margaux Ross on behalf of U.S. Trustee United States Trustee (SV) margaux.ross@usdoj.gov  
Samuel R Maizel on behalf of Creditor Committee Official Committee of Unsecured Creditors samuel.maizel@dentons.com, alicia.aguilar@dentons.com;docket.general.lit.LOS@dentons.com;tania.moyron@dentons.com;kathryn.howard@dentons.com  
Samuel R Maizel on behalf of Stockholder Official Committee of Equity Security Holders samuel.maizel@dentons.com, alicia.aguilar@dentons.com;docket.general.lit.LOS@dentons.com;tania.moyron@dentons.com;kathryn.howard@dentons.com  
Sharon Z. Weiss on behalf of Defendant Safety Supply Corporation sharon.weiss@bryancave.com, raul.morales@bryancave.com  
Sharon Z. Weiss on behalf of Defendant c/o Sharon Z. Weiss Radians Wareham Holding, Inc. sharon.weiss@bryancave.com, raul.morales@bryancave.com  
Sharon Z. Weiss on behalf of Creditor Radians Wareham Holdings, Inc. sharon.weiss@bryancave.com, raul.morales@bryancave.com

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Page 2 of 2  
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The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)  
system (continued)

Sharon Z. Weiss on behalf of Defendant Radians, Inc. sharon.weiss@bryancave.com,  
raul.morales@bryancave.com  
Shiva D Beck on behalf of Creditor William Aisenberg sbeck@gardere.com, jcharrison@gardere.com  
Shiva D Beck on behalf of Creditor Jeffrey Cordes sbeck@gardere.com, jcharrison@gardere.com  
Susan K Seflin on behalf of Financial Advisor Province Inc. sseflin@brutzkusgubner.com  
Tania M Moyron on behalf of Stockholder Official Committee of Equity Security Holders  
tania.moyron@dentons.com, chris.omeara@dentons.com  
Tania M Moyron on behalf of Interested Party Samuel R. Maizel tania.moyron@dentons.com,  
chris.omeara@dentons.com  
Tania M Moyron on behalf of Plaintiff c/o Tania Moyron Official Committee of Equity Holders of  
ICPW Liquidation Corporation, a Nevada corporation tania.moyron@dentons.com,  
chris.omeara@dentons.com  
United States Trustee (SV) ustpregion16.wh.ecf@usdoj.gov

TOTAL: 28

1 RON BENDER (SBN 143364)  
2 MONICA Y. KIM (SBN 180139)  
3 KRIKOR J. MESHEFEJIAN (SBN 255030)  
4 LEVENE, NEALE, BENDER, YOO & BRILL L.L.P.  
5 10250 Constellation Boulevard, Suite 1700  
6 Los Angeles, California 90067  
7 Telephone: (310) 229-1234; Facsimile: (310) 229-1244  
8 Email: rb@lnbyb.com; myk@lnbyb.com; kjm@lnbyb.com  
9 Attorneys for Chapter 11 Debtors and Debtors in Possession

FILED & ENTERED

FEB 13 2018

CLERK U.S. BANKRUPTCY COURT  
Central District of California  
BY Reaves DEPUTY CLERK

7 SAMUEL R. MAIZEL (SBN 189301)  
8 TANIA M. MOYRON (SBN 235736)  
9 DENTONS US LLP  
10 601 South Figueroa Street, Suite 2500  
11 Los Angeles, California 90017-5704  
Telephone: (213) 623-9300; Facsimile: (213) 623-9924  
Email: samuel.maizel@dentons.com; tania.moyron@dentons.com  
Attorneys for Official Committee of Equity Security Holders

12 **UNITED STATES BANKRUPTCY COURT**  
13 **CENTRAL DISTRICT OF CALIFORNIA**  
14 **SAN FERNANDO VALLEY DIVISION**

15 In re:  
16 ICPW Liquidation Corporation, a California  
corporation<sup>1</sup>,  
17 Debtor and Debtor in Possession.

18 Lead Case No.: 1:17-bk-12408-MB  
19 Jointly administered with:  
20 1:17-bk-12409-MB  
21 Chapter 11 Cases

**ORDER CONFIRMING DEBTORS' AND  
OFFICIAL COMMITTEE OF EQUITY  
SECURITY HOLDERS' JOINT PLAN OF  
LIQUIDATION DATED FEBRUARY 9,  
2018 AS MODIFIED**

22 In re:  
23 ICPW Liquidation Corporation, a Nevada  
corporation<sup>2</sup>,  
24 Debtor and Debtor in Possession.

Plan Confirmation Hearing:  
Date: February 13, 2018  
Time: 2:30 p.m.  
Place: Courtroom "303"  
21041 Burbank Blvd.  
Woodland Hills, CA

25  Affects both Debtors  
26  Affects ICPW Liquidation Corporation, a  
California corporation only  
27  Affects ICPW Liquidation Corporation, a Nevada  
corporation only

<sup>1</sup> Formerly known as Ironclad Performance Wear Corporation, a California corporation.

<sup>2</sup> Formerly known as Ironclad Performance Wear Corporation, a Nevada corporation.

1 A continued hearing was held on February 13, 2018, at the above-referenced time and  
2 location (the “Plan Confirmation Hearing”), for the Court to consider the confirmation of the Joint  
3 Plan of Liquidation Dated February 9, 2018 filed as Docket Number 438 (“February 9, 2018  
4 Plan”) proposed jointly by ICPW Liquidation Corporation, a California corporation, formerly  
5 known as Ironclad Performance Wear Corporation, a California corporation (“ICPW California”),  
6 and ICPW Liquidation Corporation, a Nevada corporation, formerly known as Ironclad  
7 Performance Wear Corporation, a Nevada corporation (“ICPW Nevada” and collectively with  
8 ICPW California, the “Debtors”) and the Official Committee of Equity Security Holders (the  
9 “OCEH”). The Debtors and the OCEH are jointly referred to herein as the “Plan Proponents”.  
10 Appearances were made at the Plan Confirmation Hearing as set forth on the Court’s record.

11 The Plan Proponents filed their Joint Plan of Liquidation Dated January 12, 2018 filed as  
12 Docket Number 383 (“January 12, 2018 Plan”). On January 12, 2018, the Plan Proponents filed  
13 as Docket Number 384 their “Notice of Hearing on Confirmation of Debtors’ and Official  
14 Committee of Equity Security Holders’ Joint Plan of Liquidation Dated January 12, 2018 and  
15 Summary of Joint Plan” (the “Plan Confirmation Notice”), and the Plan Proponents served the  
16 Plan Confirmation Notice on all known creditors and shareholders of the Debtors.

17 Subsequent to the filing of the January 12, 2018 Plan, the Plan Proponents engaged in  
18 substantive discussions with the Securities Exchange Commission (“SEC”) and the United States  
19 Trustee (“UST”) to address issues raised by the SEC and the UST. The Plan Proponents modified  
20 the January 12, 2018 Plan to address the issues raised by the SEC and the UST to the satisfaction  
21 of the SEC and the UST and included those modifications in the February 9, 2018 Plan.

22 Two timely objections were filed to confirmation of the January 12, 2018 Plan. One  
23 objection was filed by disputed creditors Jeffrey Cordes and William M. Aisenberg  
24 (“Cordes/Aisenberg”) as Docket Number 425, and the other objection was filed by disputed  
25 creditor Radians Wareham Holding, Inc. (“Radians”) as Docket Number 427. The Plan  
26 Proponents filed a reply to the Cordes/Aisenberg and Radians objections as Docket Number 440  
27 (the “Reply”). In the Reply and the February 9, 2018 Plan, the Plan Proponents have proposed to  
28 establish a reserve of \$601,492 to be used solely to pay any allowed claim of Cordes/Aisenberg.

1 Pursuant to (i) argument of counsel at the Plan Confirmation Hearing (2/12/18 – 2/13/18) and (ii)  
2 the Amended Proofs of Claim filed at respective Claim Numbers 7-2 and 8-2 in the Claims  
3 Register of the Cases, Cordes/Aisenberg assert a greater amount is required to be reserved in  
4 order for their disputed claims to be unimpaired under the February 9, 2018 Plan. In the Reply  
5 and the February 9, 2018 Plan, the Plan Proponents classified Radians as the Class of Secured  
6 Claims - Class 3 and have proposed to establish a reserve of \$600,000, unless otherwise ordered  
7 by the Court, to be used solely to pay any allowed claim of Radians.

8 The Plan Proponents filed a motion in support of confirmation of the January 12, 2018  
9 Plan as Docket Number 408 (the “Plan Confirmation Motion”) along with the Declaration of L.  
10 Geoff Greulich as Docket Number 410 and the Declaration of Scott Jarus as Docket Number 409.  
11 The Plan Proponents filed a supplement to their Plan Confirmation Motion as Docket Number  
12 439.

13 The Plan Confirmation Hearing was initially held on February 12, 2018, at 1:30 p.m. and  
14 was continued to February 13, 2018, at 2:30 p.m. At the Plan Confirmation Hearing, the Court  
15 considered (1) all of the foregoing pleadings that were filed with the Court, (2) all of the  
16 statements, arguments and representations of counsel, (3) the entire record of the Debtors’ chapter  
17 11 cases (“Cases”), and (4) the modifications to the February 9, 2018 Plan as set forth in this  
18 Order. The February 9, 2018 Plan as modified by the terms of this Order is referred to herein as  
19 the “Modified February 9, 2018 Plan.” Subject to the provisions of this Order, after considering  
20 all of the foregoing, and having concluded that all of the requirements of Section 1129 of the  
21 Bankruptcy Code necessary for confirmation of the Modified February 9, 2018 Plan have been  
22 satisfied; and having concluded that since there are no impaired classes under the Modified  
23 February 9, 2018 Plan, no voting on the Modified February 9, 2018 Plan is required; and having  
24 determined that proper notice of the Plan Confirmation Hearing was given, and other good cause  
25 appearing,

26 THE COURT HEREBY ORDERS AS FOLLOWS:

27 1. The Bankruptcy Court has subject matter jurisdiction over this proceeding  
28 pursuant to 28 U.S.C. § 1334. This is a core proceeding under 28 U.S.C. § 157(b)(2)(A), (L) and

1 (O). Venue of these Cases is proper in the Central District of California pursuant to 28 U.S.C. §§  
2 1408 and 1409.

3       2. The Debtors were qualified and are qualified to be debtors under Section 109 of  
4 the Bankruptcy Code. Each of the Debtors is authorized to and has been operating as a debtor-in-  
5 possession since the commencement of these Cases. No trustee or examiner has been appointed  
6 in either of the Cases.

7       3. Confirmation of the Modified February 9, 2018 Plan is a core proceeding pursuant  
8 to 28 U.S.C. § 157(b)(2)(L), and this Court has exclusive jurisdiction to determine whether the  
9 Modified February 9, 2018 Plan complies with the applicable provisions of the Bankruptcy Code  
10 and should be confirmed. This Court has the power to authorize and direct each of the actions  
11 contemplated by the Modified February 9, 2018 Plan including the consummation of the  
12 transactions required by the Trust Agreement.

13       4. As debtors-in-possession, the Debtors' management and board of directors are and  
14 were duly authorized and empowered to take any and all such actions giving rise to the Modified  
15 February 9, 2018 Plan and the Trust Agreement, subject to the terms of this Order. Each action,  
16 agreement and transaction contemplated by the Modified February 9, 2018 Plan and this Order,  
17 and all related actions, agreements and transactions necessary to implement, effectuate and  
18 confirm the Modified February 9, 2018 Plan, are authorized and lawful under the formation  
19 documents of each of the Debtors.

20       5. This Court takes judicial notice of the docket and claims register in these Cases  
21 maintained by the clerk of the Court, including, without limitation, all pleadings, claims and other  
22 documents filed, all orders entered, all prior hearing transcripts and evidence and arguments  
23 made, proffered or adduced at the hearings held before this Court during the pendency of these  
24 Cases.

25       6. The Debtors and the OCEH, as joint proponents of the Modified February 9, 2018  
26 Plan, have met their burden of proving the elements of Section 1129(a) of the Bankruptcy Code  
27 by a preponderance of the evidence, undertaken by an unopposed proffer as further found and  
28 determined herein.

1       7. This Court previously determined upon the unopposed joint motion of the Plan  
2 Proponents and the order of this Court granting that motion entered on January 10, 2018 as  
3 Docket Number 373 (the “Solicitation Order”) that solicitation of votes for acceptance and  
4 rejection of the January 12, 2018 Plan was unnecessary under Sections 1125 and 1126 of the  
5 Bankruptcy Code and Bankruptcy Rules 3017 and 3018, in light of the unimpaired nature of all  
6 classes claims and equity interests. Accordingly, this Court finds no need to re-solicit any votes  
7 based upon any modifications to the January 12, 2018 Plan as contained in the Modified February  
8 9, 2018 Plan because all classes of claims and equity interests in the Modified February 9, 2018  
9 remain unimpaired.

10       8. Notice of the Plan Confirmation Hearing, including all deadlines in the Solicitation  
11 Order, was given in compliance with the Bankruptcy Rules, and the materials served in  
12 conjunction therewith were good and sufficient notice in accordance with Bankruptcy Rules  
13 2002(b) and 3020(b)(2). All parties in interest had the opportunity to appear and be heard at the  
14 Plan Confirmation Hearing and no other or further notice is required.

15       9. Based on the modifications to the Modified February 9, 2018 Plan set forth below  
16 in paragraphs 24 through 27, Class 1 - General Unsecured Claims, Class 2 - Equity Holder  
17 Interests, Class 3 - Secured Claims and Class 4 - Priority and Unsecured Wage Claims are not  
18 impaired under the Modified February 9, 2018 Plan and are deemed to have accepted the  
19 Modified February 9, 2018 Plan pursuant to Section 1126(f) of the Bankruptcy Code.

20       10. Pursuant to the Modified February 9, 2018 Plan, the Debtors have provided due  
21 and sufficient notice that the Modified February 9, 2018 Plan preserves all causes of action,  
22 including actions under Chapter 5 of the Bankruptcy Code, and transfers such claims to the Trust.

23       11. Pursuant to Section 1123(b)(3) of the Bankruptcy Code and Bankruptcy Rule  
24 9019(a), the releases, exculpations and injunctions set forth in Sections XI. E and XI. F of the  
25 Modified February 9, 2018 Plan and herein, and implemented by this Order, are fair, equitable,  
26 reasonable and in the best interests of the Debtors, the Reorganized Debtors and their Estates,  
27 creditors and equity holders. The limited releases of non-Debtors under the Modified February 9,  
28 2018 Plan are fair to holders of claims and are necessary to the proposed reorganization. The

1 record of the Plan Confirmation Hearing and these Cases is sufficient to support the releases,  
2 exculpations, and injunctions provided for in Article XI of the Modified February 9, 2018 Plan  
3 and herein.

4 12. No securities are issued pursuant to the Modified February 9, 2018 Plan, and, as of  
5 the Record Date, transfers of equity interests will not be recognized by the Trust, except as may  
6 be required by operation of law.

7 13. The Modified February 9, 2018 Plan is hereby confirmed pursuant to Section  
8 1129(a) of the Bankruptcy Code.

9 14. The objections to confirmation filed by Cordes/Aisenberg and Radians are  
10 resolved by this Order.

11 15. All terms which are not defined in this Order shall have the definitions assigned to  
12 such terms in the February 9, 2018 Plan or the Plan Confirmation Motion.

13 16. The modifications to the January 12, 2018 Plan as reflected in the February 9,  
14 2018 Plan, as further modified by the terms of this Order, are approved.

15 17. The Modified February 9, 2018 Plan satisfies sections 1122 and 1123(a)(1) of the  
16 Bankruptcy Code. The Modified February 9, 2018 Plan designates four (4) classes of claims. The  
17 claims placed in each class are substantially similar to other claims, as the case may be, in each  
18 such class. Valid business and legal reasons exist for the various classes of claims and interests  
19 created under the Modified February 9, 2018 Plan and such classes do not unfairly discriminate  
20 between holders of claims.

21 18. The Modified February 9, 2018 Plan satisfies section 1123(a)(2) of the Bankruptcy  
22 Code. The Modified February 9, 2018 Plan specifies that classes 1, 2, 3, and 4 are not impaired  
23 under the Modified February 9, 2018 Plan.

24 19. The Modified February 9, 2018 Plan satisfies section 1123(a)(5) of the Bankruptcy  
25 Code. Article IV of the Modified February 9, 2018 Plan provides for the same treatment for each  
26 claim or interest in each respective class, unless the holder of a particular claim or interest has  
27 agreed to a less favorable treatment of such claim or interest.

28

1       20. The Modified February 9, 2018 Plan satisfies section 1123(a)(6) of the Bankruptcy  
2 Code.

3       21. The Modified February 9, 2018 Plan satisfies section 1123(a)(7) of the Bankruptcy  
4 Code. Article V (B) provides for the resignation of the Board of Directors and Officers as of the  
5 Effective Date, and Articles (VI) (D) and (E) provide that the Trustee shall be responsible for  
6 implementation of the Modified February 9, 2018 Plan, including with respect to management,  
7 control and operation of the Debtor, subject to the supervision and approval of the Trust Board as  
8 provided in the Plan and Trust Agreement.

9       22. The provisions of the Modified February 9, 2018 Plan and this Order are binding  
10 on the Debtors, the Debtors' estates, all creditors and all other persons or parties who hold or who  
11 assert claims against the Debtors, and all shareholders of ICPW Nevada. Notwithstanding  
12 anything in the Modified February 9, 2018 Plan or this Order to the contrary, to the extent there is  
13 a conflict between the terms of the Modified February 9, 2018 Plan and the terms of this Order,  
14 the terms of this Order shall control.

15       23. The Trust Agreement, in substantially the form set forth in Exhibit "1" to the  
16 pleading filed by the Plan Proponents as Docket Number 417 (the "Trust Agreement"), is  
17 approved, and the Debtors are authorized to enter into, and to perform their obligations under, the  
18 Trust Agreement, subject to the terms of this Order. The Debtors and the OCEH are authorized to  
19 modify the Trust Agreement in any manner agreed to by the Debtors and the OCEH, provided  
20 that the basic substance and purpose of the Trust Agreement are unchanged and further provided  
21 that the Plan Proponents shall promptly file the final executed version of the Trust Agreement  
22 with the Court.

23       24. Paragraph IV.C.1 of the Modified February 9, 2018 Plan is hereby rewritten as  
24 follows:

25       Radians asserts that it is a secured creditor as provided for under the Sale Order.  
26 The OCEH reserves any and all rights that are preserved under the Sale Order to  
27 challenge Radians' secured claim. The Plan Proponents have classified this  
28 contingent and disputed claim of Radians as the sole class 3 claim under this Plan  
(the "Class 3 Claim"). The Court has determined that the Class 3 Claim is  
unimpaired because the Escrow Agent will retain in a segregated trust account

1 (the “Class 3 Reserve Fund”) the amount of the Class 3 Claim as estimated by the  
2 Court under Section 502(c) of the Bankruptcy Code. The Class 3 Reserve Fund  
3 will be used to pay any Class 3 Claim which is allowed by order of the Court  
4 (“Class 3 Allowed Claim”). The Escrow Agent will pay any Class 3 Allowed  
5 Claim out of the Class 3 Reserve Fund within five business days following the  
6 entry of an order of the Court allowing such Class 3 Allowed Claim and such  
7 order becoming a Final Order, and the Escrow Agent will deliver the balance of  
8 the Class 3 Reserve Fund, if any, to the Trustee.

9 25. The assertions contained in the Modified February 9, 2018 Plan may not be used to  
10 establish any factual allegations in any adversary proceeding, claim objection, and/or any other  
11 proceeding simply by virtue of the entry of this Order.

12 26. By March 12, 2018, the Trustee shall file with the Court a motion together with  
13 any supporting evidence to estimate the claims of Cordes/Aisenberg (the “Cordes/Aisenberg  
14 Claims Estimation Motion”), and the Trustee shall file with the Court a motion together with all  
15 supporting evidence to estimate the claim of Radians (the “Radians Claim Estimation Motion”).  
16 The dates for any oppositions and replies shall be in accordance with the Local Bankruptcy Rules,  
17 agreement of the parties, or order of the Court.

18 27. Notwithstanding any provision in the Modified February 9, 2018 Plan to the  
19 contrary, unless the Court orders otherwise by a subsequently entered order, no distribution may  
20 be made, from the Trust Account or otherwise, under the Modified February 9, 2018 Plan to any  
21 creditors or shareholders of the Debtors unless and until (i) the Court enters an order on the  
22 Radians Claim Estimation Motion in which the Court estimates pursuant to Section 502(c) of the  
23 Bankruptcy Code the claim of Radians (the “Estimated Radians Claim”), and the Class 3 Reserve  
24 Fund is funded with Remaining Estate Funds in the amount of the Estimated Radians Claim, and  
25 (ii) the Court enters an order on the Cordes/Aisenberg Claims Estimation Motion in which the  
26 Court estimates pursuant to Section 502(c) of the Bankruptcy Code the claims of  
27 Cordes/Aisenberg (the “Estimated Cordes/Aisenberg Claims”), and the Class 4 Reserve Fund is  
28 funded with Remaining Estate Funds in the amount of the Estimated Cordes/Aisenberg Claims.  
Because the Class 3 Reserve Fund will be funded with Remaining Estate Funds in the amount of  
the Estimated Radians Claim, the class 3 claim of Radians is deemed unimpaired under the  
Modified February 9, 2018 Plan. Because the Class 4 Reserve Fund will be funded with

1 Remaining Estate Funds in the amount of the Estimated Cordes/Aisenberg Claim, the class 4  
2 claims of Cordes/Aisenberg are deemed unimpaired under the Modified February 9, 2018 Plan.  
3 Class 4 under the February 9, 2018 Plan is entitled as the “Class of Priority Unsecured Claims”.  
4 For the sake of clarity, notwithstanding the fact that Class 4 is entitled as a “Class of Priority  
5 Unsecured Claims”, the Class 4 Reserve Fund to be funded for the Estimated Cordes/Aisenberg  
6 Claims shall consist of an amount deemed by the Court sufficient to cover all estimated claims of  
7 Cordes/Aisenberg and not limited to only the priority portions of the Cordes/Aisenberg claims.

8 28. The Effective Date of the Modified February 9, 2018 Plan shall be February 28,  
9 2018, provided that there is no stay in effect with respect to this Order entered on or before that  
10 date and provided that this Order is not subject to any pending appeal or rehearing unless the  
11 Plan Proponents agree to proceed with having the Modified February 9, 2018 Plan go effective  
12 despite the existence of a pending appeal or rehearing. Promptly following the occurrence of the  
13 Effective Date, the Plan Proponents shall file a notice with the Court advising that the Effective  
14 Date has occurred and indicating the specific date that constitutes the Effective Date.

15 29. Notwithstanding any provision in the Modified February 9, 2018 Plan to the  
16 contrary, the Record Date (as defined in the Modified February 9, 2018 Plan) shall be February  
17 12, 2018.

18 30. March 19, 2018 shall constitute the deadline for any creditor to assert an  
19 administrative claim against the Estates (the “Administrative Claims Bar Date”). By February 16,  
20 2018, the Plan Proponents shall distribute to all known creditors and Shareholders a notice  
21 indicating that the Plan has been confirmed and notice of the Administrative Claims Bar Date.  
22 In order to assert a timely administrative claim, a creditor must file a pleading with the Court by  
23 the Administrative Claims Bar Date in which the creditor indicates the amount of its asserted  
24 administrative claim and attaches as an exhibit all documentary evidence in support of its asserted  
25 administrative claim and serve that pleading on counsel for the Plan Proponents. The creditor is  
26 not required to set the matter for hearing. Any creditor who fails to file a timely administrative  
27 claim shall be forever barred from asserting any administrative claim against the Debtors, the  
28 Estates, or the Trust. The Trustee shall be required to file with the Court any objection to any

1 asserted administrative claim by the date that is ninety days after the Effective Date and to set the  
2 matter for hearing. If the Trustee and the creditor are able to resolve any dispute consensually,  
3 the Trustee may file a stipulation and proposed order with the Court without the need to set the  
4 matter for hearing, with the stipulation to be signed by the Trustee and the creditor. If the Trustee  
5 fails to file a timely objection to any timely filed administrative claim, the timely filed  
6 administrative claim shall be deemed permanently allowed and must be paid in full by the Trustee  
7 out of the Trust Property. The foregoing deadlines for the filing of administrative claims by the  
8 Administrative Claims Bar Date shall not apply to any of the professionals employed in the  
9 Cases.

10 31. A hearing shall be held on April 24, 2018, at 2:30 p.m., for the Court to consider  
11 approval of all final applications for fees and expenses of the professionals employed in the  
12 Cases. All professionals shall file their final applications for fees and expenses by April 3, 2018.

13 32. The Debtors are hereby authorized to take all steps necessary to implement and  
14 consummate the provisions of the confirmed Modified February 9, 2018 Plan.

15 33. Once the Estates have been fully administered as referred to in Bankruptcy Rule  
16 3022, the Trustee shall file a motion with the Court to obtain a final decree to close these Cases.  
17 The Trustee shall be responsible for the timely payment of all fees incurred pursuant to 28 U.S.C.  
18 Section 1930(a)(6) and shall pay all such fees out of the Trust.

19 34. This Court shall retain jurisdiction in accordance with the terms of Article XI (A)  
20 of the Modified February 9, 2018 Plan, the other provisions of this Order and section 1142 of the  
21 Bankruptcy Code, and to the fullest extent authorized by title 28 of the United States Code.

22 Date: February 13, 2018  
23  
24



25 Martin R Barash  
26 United States Bankruptcy Judge  
27  
28